

In the Matter of Merchant Mariner's Document No. Z-828911
Issued to: WILLIE JOHN YOUNG

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

420

WILLIE JOHN YOUNG

This appeal comes before me by virtue of Title 46 United States Code 239(g) and 46 Code of Federal Regulations Sec. 137.11-1.

On 12 December, 1949, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania, revoked Merchant Mariner's Document No. Z-828911 issued to Willie John Young upon finding him guilty of "misconduct" based upon two specifications alleging in substance, that while serving as fireman-watertender on the American SS FULLERTON HILLS, under authority of the document above described, on or about 15 July, 1949, while said vessel was in a foreign port have in his possession a quantity of marijuana; and on the same date, while serving as aforesaid, he failed to join said ship at the time of its departure from a foreign port.

Appellant was given a full explanation of the nature of the proceedings and the possible consequences. He was represented by counsel of his own selection. A plea of "not guilty" to the charge and each specification was entered on his behalf.

Thereupon, the Investigating Officer introduced the testimony of a Customs Inspector and an excerpt from the Official Log applicable to the specification alleging "failure to join."

In defense, Appellant testified in his own behalf, and called one character witness. As rebuttal, a Customs Agent was called by the Investigating Officer.

At the conclusion of the hearing, having heard the argument of the Investigating Officer and Appellant, the Examiner found the charge "proved" by proof of the first specification and entered an order revoking Appellant's Merchant Mariner's Document No. Z-828911, the second specification was found not proved.

From that order, this appeal has been taken, and it is urged:

- (1) No criminal intent was present; nor did Appellant intend to use, sell or transfer the cigarettes for an unlawful

- purpose;
- (2) The extenuating circumstances and mitigating evidence establish that revocation of Appellant's documents, which destroys his earning power, is too severe;
 - (3) Consideration of the testimony offered may result in some less severe order.

APPEARANCES: Raymond Pace Alexander, Esq. of Philadelphia, Pennsylvania

Based upon my examination of the Record submitted, I hereby make the following

FINDINGS OF FACT

On or about 15 July, 1949, Appellant was serving as fireman-watertender on the American Merchant vessel, SS FULLERTON HILLS. Said vessel was then at LeHavre, France, and while Appellant was ashore he was given at least four marijuana cigarettes which he took on board the vessel and placed in a jewel case among his personal effects. Having failed to join his vessel before her departure from said port, the cigarettes were discovered by Customs representative, in Philadelphia, Pennsylvania, when Appellant claimed his effects after repatriation on another vessel.

His record as a merchant seaman is otherwise clear.

OPINION

I have carefully considered all the testimony presented by Appellant and have noted the Examiner's favorable comment respecting Appellant's appearance, frankness and honesty. The defense was ably presented by counsel, and if another type offense were involved, a different result might be obtained.

However, Appellant's own admissions disclose his acceptance of the marijuana cigarettes and placement thereof among his personal effects. They were still in his effects when he returned to the United States several months later.

I pass as presently unimportant, Appellant's appearance before the Federal Court in Philadelphia (R.7), but I do emphasize with all possible force that merchant seamen who have any association with the traffic in marijuana, drugs, opiates, narcotics, etc., are undesirable as merchant seamen. Safety of life and property as well as discipline on shipboard should not be imperiled by persons who, even thoughtlessly, take marijuana on their vessels and put it in a place of security for some future purpose.

ORDER

The Order of the Examiner dated 12 December, 1949, is
AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 10th day of February, 1950.